



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1917-00

31 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 5 September 1978 at the age of 22. Your record reflects that you served for a year and four months without disciplinary incident but on 21 January 1980 you received nonjudicial punishment (NJP) for four periods of unauthorized absence (UA) totalling 12 days and four specifications of failure to go to your appointed place of duty. The punishment imposed was a \$350 forfeiture of pay and reduction to paygrade E-2. On 26 April 1980 you received NJP for two specifications of failure to go to your appointed place of duty and were awarded forfeitures totalling \$200 and confinement on bread and water for three days.

During the period from 15 April to 21 July 1981 you received NJP on three occasions for failure to obey a lawful order, failure to go to your appointed place of duty, misbehavior as a sentinel, communicating obscene language, and prejudicial conduct.

Subsequently, you were notified of pending administrative separation action by reason of convenience of the government due to being a burden to the command as evidenced by your substandard performance or inability to adapt to military service. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the discharge. Your commanding officer then recommended you be issued a general discharge by reason of convenience of the government. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge under honorable conditions by reason of convenience of the government. On 21 July 1981 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.8. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your request to upgrade your discharge and change your narrative reason for separation. The Board further considered your contention that you believe that your general discharge was unfair given the extenuating circumstances surrounding your case, and because of your emotional stress and psychiatric conditions. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change in your narrative reason for separation given the serious nature of your frequent misconduct, which resulted in five NJPs. Further, the Board noted that your conduct mark was also insufficiently high to warrant a fully honorable characterization of service. Given all the circumstances of your case, the Board concluded your discharge and narrative reason for separation were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director